PIG'S EYE LANDFILL RECORDS COMPILATIONS CMC HEARTLAND PARTNER (F/K/A CMC REAL ESTATE)



Page No. 1 02/24/95

DCN	DATE	AUTHOR	RECIPIENT	TITLE	SUMMARY .	PRPS
01291	08/10/90	MPCA .	CMCREL	MPCA INFORMATION REQUEST LETTER REGARDING PIG'S EYE	A MPCA INFORMATION REQUEST LETTER WHICH REQUIRES CMCREL TO PROVIDE INFORMATION REGARDING PIG'S EYE AND FISH HATCHERY'S DUMP TO MPCA.	CMCREL
01303	08/10/90	MPCA	CMCREL	MPCA INFORMATION REQUEST LETTER REGARDING PIG'S EYE	A MPCA INFORMATION REQUEST LETTER WHICH REQUIRES CMCREL TO PROVIDE INFORMATION REGARDING PIG'S EYE AND FISH HATCHERY'S DUMP TO MPCA.	CMCREL
01347	11/06/90	GRACE KOH ANGELOS, JENNER & BLOCK	CATHY O'CONNELL, MPCA	LETTER REGARDING CMCREC'S RESPONSE	A LETTER WHICH CONFIRMS A CONVERSATION IN WHICH CMCREL WAS PERMITTED TO RESPOND TO MPCA'S REQUEST BY 11/05/90.	CMCREL .
01665	11/15/90	LAWRENCE S. ADELSON, CMCREL	CATHY O'CONNELL, MPCA	CMCREL RESPONSE LETTER	A LETTER WHICH STATES CMCREL DISSOLVED ON 12/11/89, AND ASSETS WERE TRANSFERRED TO CMC HEARTLAND PARTNERS. PART OF THE COMMERSHIP INTEREST WAS A 177 ACRE PARCEL, ALONG WITH ADJOINING PROPERTY OWNDED BYU COSTPA, COMPRISES PIG'S EYE.	CMCREL, COSTPA
01683	01/03/91	GRACE KOH ANGELOS, JENNER & BLOCK	CATHY O'CONNELL, MPCA	MPCA INFORMATION REQUEST LETTER REGARDING PIG'S EYE	AN ATTORNEY'S RESPONSE FOR CMCREL, WHO IS NO LONGER IN EXISTENCE, DUE TO BANKRUPTCY, ITS ASSETS WERE SOLD TO A SUBSIDIARY OF THE "SOO LINE." UNDER REORGANIZATION THE BANKRUPTCY WAS DISCHARGED AND REMAINING ASSETS HELD BY THE BANKRUPTCY TRUSTEE WERE CONVEYED TO CMCREL, THE REORGANIZED	CMCREL, SOOLIN

PIG'S EYE LANDFILL RECORDS COMPILATIONS CMC HEARTLAND PARTNER (F/K/A CMC REAL ESTATE)

Page No. 2 02/24/95

DCN	DATE	AUTHOR	RECIPIENT	TITLE	SUMMARY	PRPS
					COMPANY, INCLUDING A 177 ACRE-PARCEL WHICH, ALONG WITH ADJOINING PROPERTY OWNED BY COSTPA COMPRISES PIG'S EYE. CMCREL WAS DISSOLVED ON 12/11/89 AND ALL OF CMCREL'S REAL ESTATE ASSETS AND LIABILITIES WERE TRANSFERRED TO CMC HEARTLAND PARTNERS.	
02219	. •			PIG'S EYE CUSTOMER Notes	A LIST OF THE CUSTOMER'S OF PIG'S EYE AS STATED IN CMCREL'S RESPONSE DETAILS HOW SOME OF THE INFORMATION WAS COLLECTED, AND WHETHER OR NOT ALL RESPONSES WERE ISSUED TO INFORMATION REQUESTS.	CMCREL
02243				FOREIGN CORPORATION MASTER RECORD	BACKGROUND INFORMATION FOR CMCREL. THE DOCUMENT PROVIDES THE REGISTERED AGENTS NAME AND ADDRESS.	CMCREL

	01291
SENDER: Complete Items 1 and 2 when additional and 4. Put your address in the "RETURN TO" Space on the reversed from being returned to you. The return receipt fee delivered to and the date of delivery. For additional fees postmaster for fees and check box(es) for additional service 1. Show to whom delivered, date, and addressee's address	erse side. Fallure to do this will prevent this will provide you the name of the person the following services are evallable. Consult of the person of the person the following services are evaluable.
3. Article Addressed to: CMC Real Estate Corporation	4 Article Number (80
6 CT Corporation System H05-22 Ave. S	Type of Service: Registered Insured Certified COD Express Mail
Mp15., MN 55401	Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature – Addressee	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature Agent	
7. Day of Delivery 1990	
PS Form 3811, Mar. 1987 * U.S.G.P.O. 1987-178-268	DOMESTIC RETURN RECEIPT

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(See Reverse)

Postage S Certified Fee Special Delivery Fee Restricted Delivery Fee Return Receipt showing to whom and Date Delivered PS Form 3800, June 1985 Return Receipt showing to whom. Date, and Address of Delivery TOTAL Postage and Fees Postmark or Date



Minnesota Pollution Control Agency

520 Lafayette Road, Saint Paul, Minnesota 55155 Telephone (612) 296-6300 Celebrate MINNESOTA 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

August 10, 1990

CMC Real Estate Corporation c/o CT Corporation System, Inc. 405 - 2nd Avenue South Minneapolis, Minnesota 55401

Dear Sir or Madam:

RE:

Requirement to Provide Information Pig's Eye Dump/Fish Hatcheries Dump

The Minnesota Pollution Control Agency (MPCA) is responsible for implementing the Minnesota Environmental Response and Liability Act (MERLA). MERLA is the cornerstone of the State's efforts to investigate and remedy hazardous waste sites where contamination threatens public health or the environment.

Pursuant to MERLA, the MPCA staff has identified a release or threatened release of hazardous substances or pollutants or contaminants at the Pig's Eye Dump/Fish Hatcheries Dump, located in Ramsey County, Minnesota. The MPCA staff is in the process of identifying persons who may be responsible for this release or threatened release under MERLA because they 1) owned or operated the facility; 2) arranged for disposal; or 3) arranged for transport for disposal, of hazardous wastes or pollutants or contaminants at the above-referenced site.

The MPCA staff has reason to believe that CMC Real Estate Corporaiton is a responsible person under MERLA, and may have information that is relevant to the release or threatened release from the Pig's Eye Dump/Fish Hatcheries Dump. To facilitate the Agency's investigation, the MPCA staff is sending you the enclosed Requirement To Provide Information (RPI). As the recipient of this RPI, you have the legal duty under State law to provide information requested by the MPCA that is relevant to the release or threatened release of hazardous substances or pollutants or contaminants. Information obtained in response to the RPI will be used by MPCA staff in carrying out their responsibilities under MERLA, including the identification of other responsible parties for the release or threatened release. This is a first Questionnaire; in the future it may be necessary to supplement the information available to MPCA with additional Questionnaires.

Since obtaining this information is an important initial step in the process, your response to the enclosed Questionnaire needs to be submitted within ninety (90) days from the date of the RPI. Normally, the deadline is 30 days. Because of the significant numbers of responsible persons likely to be involved, this deadline has been extended to 90 days. The information in your response is vital and will allow us to protect public health and the environment.

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CMC Real Estate Corporation Page 2

Therefore, failure to provide timely, complete and accurate answers to the Questionnaire may result in legal actions by the State of Minnesota to compel disclosure.

Attachment 1 contains instructions for completing the Questionnaire. A list of definitions of words used in the Questionnaire may be found in Attachment 2. Please review both Attachments prior to answering the Questionnaire.

The complete Questionnaire and all relevant documents should be mailed to:

Cathy O'Connell, Project Manager Site Response Section Ground Water and Solid Waste Division Minnesota Pollution Control Agency 520 Lafayette Road St. Paul, Minnesota 55155

Should you have any questions regarding this letter and the enclosed RPI and Questionnaire, please contact me at (612) 296-7227.

Sincerely,

Cathy O'Connell Project Manager

Superfund Unit

Site Response Section

Beth achinger

Ground Water and Solid Waste Division

CO:kkn

Enclosures

STATE OF MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of Pig's Eye Dump/Fish Hatcheries Dump

REQUIREMENT TO
PROVIDE INFORMATION
PURSUANT TO THE MINNESOTA
ENVIRONMENTAL RESPONSE
AND LIABILITY ACT

The Minnesota Pollution Control Agency (MPCA) staff has reason to believe that CMC Real Estate Corporation is a responsible person under the Minnesota Environmental Response and Liability Act (MERLA) and may have information that is relevant to the release or threatened release of hazardous substances or pollutants or contaminants from the above-referenced site. You are required by Minn. Stat. § 115B.17, subd. 3 (1988), to provide information to the MPCA and its employees that is relevant to the release or threatened release:

Any person who the agency has reason to believe is responsible for a release or threatened release as provided in section 115B.03, or who is the owner of real property where the release or threatened release is located or where response actions are proposed to be taken, when requested by the agency, or any member, employee or agent thereof who is authorized by the agency, shall furnish the agency any information which that person may have or may reasonably obtain which is relevant to the release or threatened release.

The MPCA is also authorized by Minn. Stat. § 115B.17, subd. 4(a)(1988), to examine and copy any books, papers, records, memoranda or data of any person who has a duty to provide information under Section 115B.17, subd. 3.

In addition, the MPCA is authorized to conduct investigations in conjunction with its duties to enforce the State's laws on water and air pollution. Minnesota Statutes, Section 115.03, subd. 1(h)(1988), Section 116.07, subd. 9(c)(1988).

You are hereby directed to answer the attached questionnaire and to provide any relevant documents within ninety (90) days from the date of this Requirement to Provide Information. Failure to respond or to provide complete and accurate answers to the enclosed questions may result in legal action by the State of Minnesota to compel disclosure.

Date:

MINNESOTA POLLUTION CONTROL AGENCY

Chief, Site Response Section

Gary A. Pulford

Ground Water and Solid Waste Division

QUESTIONNAIRE FOR PIG'S EYE DUMP/FISH HATCHERIES DUMP AND REQUEST FOR PRODUCTION OF DOCUMENTS

- Identify the full legal name, address and phone number of the business or governmental entity, hereinafter referred to as "business."
- 2. How many years has the business been in operation?
- 3. Identify the names and current addresses and telephone numbers of all current and past owner(s) of the business.
- 4. Provide a map indicating that portion of the site(s) owned or operated by the business. Include leases.
- 5. Identify all MPCA, Minnesota Department of Health and other environmental permits issued by Federal, State, county, city or other governmental authorities that the business holds and the effective dates for such permits.
- 6. Identify and list all businesses and industrial customers whose garbage and/or hazardous wastes or pollutants or contaminants were placed at the site(s). Include waste characterization, volume, dates, and current business contacts (if known).
- 7. Identify and list all transporters of garbage and/or hazardous wastes or pollutants or contaminants that were placed at the site(s). Include waste characterization, volume, dates, and current business contacts (if known).
- 8. Provide a map indicating the portions of the site(s) dedicated to specific uses or specific businesses.
- 9. How was the garbage and/or hazardous wastes or pollutants or contaminants picked up from businesses or industrial customers stored (e.g., in drums, barrels, dumpsters) for pick up? For transport?
- 10. How was the garbage and/or hazardous wastes or pollutants or contaminants disposed of (e.g., drums buried or emptied and returned) at the site(s)?
- 11. Identify all persons whom the business consulted in the preparation of the response to the Questionnaire, including their current addresses and telephone numbers and relationship to the business.
- 12. Identify any other persons who may be able to provide a more detailed or complete response to the Questionnaire or who may be able to provide additional relevant documents.

Attachment 1 Instructions for Questionnaire

- 1. ENCLOSE WITH YOUR RESPONSE TO THE QUESTIONNAIRE A NOTARIZED AFFIDAVIT FROM YOU OR AN AUTHORIZED OFFICIAL REPRESENTING YOUR BUSINESS ATTESTING TO THE FACT (A) THAT A DILIGENT SEARCH FOR RECORDS RELEVANT TO THIS QUESTIONNAIRE HAS BEEN COMPLETED AND (B) THAT A DILIGENT INTERVIEW PROCESS HAS BEEN CONDUCTED WITH PRESENT AND FORMER EMPLOYEES WHO MAY HAVE KNOWLEDGE OF WASTE GENERATION OR OTHER WASTE MANAGEMENT PRACTICES AT PIG'S EYE DUMP/FISH HATCHERIES DUMP FROM 1956 TO 1972. ANY INFORMATION THAT YOU PROVIDE IN RESPONSE TO THE QUESTIONNAIRE THAT IS BASED ON YOUR PERSONAL KNOWLEDGE, OR THE PERSONAL KNOWLEDGE OF YOUR EMPLOYEES, AGENTS, OR OTHER REPRESENTATIVES MUST BE SUBMITTED IN THE FORM OF A NOTARIZED AFFIDAVIT.
- 2. Review the list of definitions in Attachment 2.
- 3. Make a separate written response to each question. Do $\underline{\text{NOT}}$ leave any blank questions.
- 4. Number each of your answers according to the corresponding numbered question. For each document produced in response to the Requirement to Provide Information, identify the number of the question to which it responds on the document or in some other reasonable manner.
- 5. In answering each question, identify all sources of information consulted in preparing the response.
- 6. You are required to respond to each question on the basis of any and all information and documents in your possession, custody, or control or the possession, custody, or control of your current or former employees, agents, or contractors, or other person who conducted business on your behalf. Furnish information that is available to you regardless of whether it is based on personal knowledge, and regardless of source.
- 7. Information necessary to adequately respond to a question may not be known or available on the date your response is submitted. If this is the case, you have a continuing duty to provide the information when it becomes known or available, and to submit correct information that was submitted in the response and later learned to be wrong.
- 8. Respond in writing to each question even if information on which your answer is based has not been recorded in any particular document.
- 9. If any requested documents have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify (a) each document; (b) the person to whom it was transferred; and (c) the date of the transfer or disposal.
- 10. You have a duty to provide the requested information even if the information may be considered confidential or a trade secret. If you provide any information that relates to sales figures, processes or methods of production unique to your business, or information that would tend to affect adversely the competitive position of your business if generally known, you may certify this claim at the time you submit your response and the

information so certified will be held nonpublic as provided in Minnesota Statutes, Section 115B.17, subdivision 5 (1988). Any such certification must specifically identify the information that you believe qualifies for nonpublic treatment. If no such certification accompanies the information when it is received by the MPCA, it may be made available to the public by the MPCA without further notice to you.

Attachment 2

Definitions for Questionnaire

For the purpose of your answers to the Questionnaire, the following definitions shall apply:

- CMC REAL ESTATE CORPORATION. "CMC Real Estate Corporation" includes any agent, subcontractor, or any other person who conducted or did business on behalf of "CMC Real Estate Corporation."
- 2. Pig's Eye Dump/Fish Hatcheries Dump. "Pig's Eye Dump/Fish Hatcheries Dump" means the property located 1/2 mile southeast of the intersection of Warner Road and Childs Road (an old report lists the address as 1150 Pig's Eye Lake Road) [Ramsey County, Section 10, T28N, R22W] and the property located at the intersection of Warner Road and Childs Road (an old report simply gives the address as Warner Road) [Ramsey County, Section 3, T28N, R22W], St. Paul, Minnesota.
- 3. YOU; BUSINESS. The terms "you" and "business," means the addressee of the Requirement to Provide Information.
- 4. DOCUMENT. "Document" means information preserved in any manner which is in the possession of or may be reasonably obtained by the addressee, including information in the possession of the addressee's directors, officers, shareholders, partners, managers, employees, subcontractors, trustees, successors, assigns, and agents, regardless of the location of the document or its classification as privileged or confidential. The term "document" includes but is not limited to the following: correspondence, contracts, agreements, memoranda, telegrams, reports, assignments, personnel records, record books, manifests, logs, scrap-books, diaries, minutes, plans, drawings, photographs, tapes, computer discs, invoices, checks, surveys and analyses.
- 5. IDENTIFY/Individual. The term "identify" means, with respect to an "individual," to set forth the person's full name, present or last known

address, name of the employer, and a description of the job responsibilities of the person.

- 6. IDENTIFY/Business. The term "identify" means, with respect to a governmental entity, corporation, sole proprietorship, partnership, or other association or business entity, to set forth its full name, address, legal form (for example, corporation, partnership, etc.), and a brief description of the product or service offered by the business.
- 7. IDENTIFY/Document. The term "identify" means, with respect to a document to provide its customary business description, its date, its number if any (for example, invoice or purchase order number) as well as its author, addresser, addressee and/or recipient, and the substance or the subject matter.
- 8. PERSON. "Person," as defined in Minnesota Statutes, Section 115B.02, subdivision 12 (1988) means any individual, partnership, association, public or private corporation or other entity, including the United States government, any interstate body, the state and any agency, department or political subdivision of the state.
- 9. FACILITY. "Facility," as defined in Minnesota Statutes, Section 115b.02, subdivision 5 (1988) means:
- (a) Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft;
- (b) Any watercraft of any description, or other artificial contrivance used or capable of being used as a means of transportation on water; or

(c) Any site or area where a hazardous substance, or a pollutant or contaminant, has been deposited, stored, disposed of, or placed, or otherwise come to be located.

"Facility" does not include any consumer product in consumer use.

- 10. HAZARDOUS SUBSTANCE. "Hazardous substance," as defined in Minnesota Statutes, Section 115B.02, subd. 8 (1988), means:
- (a) Any commercial chemical designated pursuant to the Federal Water Pollution Control Act, under United States Code, title 33, section 1321 (b) (2) (A);
- (b) Any hazardous air pollutant listed pursuant to the Clean Air Act, under United States Code, title 42, section 7412, and
 - (c) Any hazardous waste.

"Hazardous substance" does not include natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, or mixtures of such synthetic gas and natural gas, nor does it include petroleum, including crude oil or any fraction thereof which is not otherwise a hazardous waste.

- 11. HAZARDOUS WASTE. "hazardous waste," as defined in Minnesota Statues, Section 115B.02, subdivision 9 (1988) means:
- (a) Any hazardous waste as defined in section 116.06, subd. 13, and any substance identified as a hazardous waste pursuant to rules adopted by the agency under section 116.07; and
- (b) Any hazardous waste as defined in the Resource Conservation and Recovery Act, under United States Code, title 42, section 6903, which is listed or has the characteristics identified under United States Code, title 42,

section 6921, not including any hazardous waste, the regulation of which has been suspended by Act of Congress.

12. POLLUTANT OR CONTAMINANT. "Pollutant or contaminant," as defined in Minnesota Statutes, Section 115B.02, subdivision 13 (1988) means any element, substance, compound, mixture, or agent, other than a hazardous substance, which after release from a facility and upon exposure of, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in the organisms or their offspring.

"Pollutant or contaminant" does not include natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, or mixtures of such synthetic gas and natural gas.

13. SOLID WASTE. "Solid waste," as defined in Minnesota Rules, Part 7035.0300, subpart 100 (1988) means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semi-solid, liquid, or contained gaseous form, resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste, water effluents or discharges which are point sources subject to permits under

section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by The Atomic Energy Act of 1954, as amended.

14. RELEASE. "Release," as defined in Minnesota Statutes, Section 115B.02, subdivision 15 (1988) means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment which occurred at a point in time or which continues to occur.

"Release" does not include:

- (a) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, watercraft, or pipeline pumping station engine;
- (b) Release of source, by-product, or special nuclear material from a nuclear incident, as those terms are defined in The Atomic Energy Act of 1954, under United States Code, title 42, section 2014, if the release is subject to requirements with respect to financial protection established by the federal nuclear regulatory commission under United States Code, title 42, section 2210.
- (c) Release of source, by-product or special nuclear material from any processing site designated pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, under United States Code, title 42, section 7912(a) or 7942(a); or
- (d) Any release resulting from the application of fertilizer or agricultural or silvicultural chemicals, or disposal of emptied pesticide containers or residues from a pesticide as defined in section 18A.21, subd. 25.

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PS Form 3800, June 1985



Minnesota Pollution Control Agency

520 Lafayette Road, Saint Paul, Minnesota 55155 Telephone (612) 296-6300 everage

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

August 10, 1990

CMC Real Estate Corporation 222 West Washington Avenue Madison, Wisconsin 57303

Dear Sir or Madam:

RE:

Requirement to Provide Information Pig's Eye Dump/Fish Hatcheries Dump

The Minnesota Pollution Control Agency (MPCA) is responsible for implementing the Minnesota Environmental Response and Liability Act (MERLA). MERLA is the cornerstone of the State's efforts to investigate and remedy hazardous waste sites where contamination threatens public health or the environment.

Pursuant to MERLA, the MPCA staff has identified a release or threatened release of hazardous substances or pollutants or contaminants at the Pig's Eye Dump/Fish Hatcheries Dump, located in Ramsey County, Minnesota. The MPCA staff is in the process of identifying persons who may be responsible for this release or threatened release under MERLA because they 1) owned or operated the facility; 2) arranged for disposal; or 3) arranged for transport for disposal, of hazardous wastes or pollutants or contaminants at the above-referenced site.

The MPCA staff has reason to believe that CMC Real Estate Corporation is a responsible person under MERLA, and may have information that is relevant to the release or threatened release from the Pig's Eye Dump/Fish Hatcheries Dump. To facilitate the Agency's investigation, the MPCA staff is sending you the enclosed Requirement To Provide Information (RPI). As the recipient of this RPI, you have the legal duty under State law to provide information requested by the MPCA that is relevant to the release or threatened release of hazardous substances or pollutants or contaminants. Information obtained in response to the RPI will be used by MPCA staff in carrying out their responsibilities under MERLA, including the identification of other responsible parties for the release or threatened release. This is a first Questionnaire; in the future it may be necessary to supplement the information available to MPCA with additional Questionnaires.

Since obtaining this information is an important initial step in the process, your response to the enclosed Questionnaire needs to be submitted within ninety (90) days from the date of the RPI. Normally, the deadline is 30 days. Because of the significant numbers of responsible persons likely to be involved, this deadline has been extended to 90 days. The information in your response is vital and will allow us to protect public health and the environment.

CMC Real Estate Corporation Page 2

Therefore, failure to provide timely, complete and accurate answers to the Questionnaire may result in legal actions by the State of Minnesota to compel disclosure.

Attachment 1 contains instructions for completing the Questionnaire. A list of definitions of words used in the Questionnaire may be found in Attachment 2. Please review both Attachments prior to answering the Questionnaire.

The complete Questionnaire and all relevant documents should be mailed to:

Cathy O'Connell, Project Manager Site Response Section Ground Water and Solid Waste Division Minnesota Pollution Control Agency 520 Lafayette Road St. Paul, Minnesota 55155

Should you have any questions regarding this letter and the enclosed RPI and Questionnaire, please contact me at (612) 296-7227.

Sincerely,

Cathy O'Connell
Project Manager
Superfund Unit

Site Response Section

Ground Water and Solid Waste Division

CO:kkn

Enclosures

STATE OF MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of Pig's Eye Dump/Fish Hatcheries Dump REQUIREMENT TO
PROVIDE INFORMATION
PURSUANT TO THE MINNESOTA
ENVIRONMENTAL RESPONSE
AND LIABILITY ACT

The Minnesota Pollution Control Agency (MPCA) staff has reason to believe that CMC Real Estate Corporation is a responsible person under the Minnesota Environmental Response and Liability Act (MERIA) and may have information that is relevant to the release or threatened release of hazardous substances or pollutants or contaminants from the above-referenced site. You are required by Minn. Stat. § 115B.17, subd. 3 (1988), to provide information to the MPCA and its employees that is relevant to the release or threatened release:

Any person who the agency has reason to believe is responsible for a release or threatened release as provided in section 115B.03, or who is the owner of real property where the release or threatened release is located or where response actions are proposed to be taken, when requested by the agency, or any member, employee or agent thereof who is authorized by the agency, shall furnish the agency any information which that person may have or may reasonably obtain which is relevant to the release or threatened release.

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You are hereby directed to answer the attached questionnaire and to provide any relevant documents within ninety (90) days from the date of this Requirement to Provide Information. Failure to respond or to provide complete and accurate answers to the enclosed questions may result in legal action by the State of Minnesota to compel disclosure.

Dato.

MINNESOTA POLLUTION CONTROL AGENCY

Gary A. Pulford Chief, Site Response Section

Ground Water and Solid Waste Division

QUESTIONNAIRE FOR PIG'S EYE DUMP/FISH HATCHERIES DUMP AND REQUEST FOR PRODUCTION OF DOCUMENTS

- Identify the full legal name, address and phone number of the business or governmental entity, hereinafter referred to as "business."
- 2. How many years has the business been in operation?
- 3. Identify the names and current addresses and telephone numbers of all current and past owner(s) of the business.
- 4. Provide a map indicating that portion of the site(s) owned or operated by the business. Include leases.
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- 6. Identify and list all businesses and industrial customers whose garbage and/or hazardous wastes or pollutants or contaminants were placed at the site(s). Include waste characterization, volume, dates, and current business contacts (if known).
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- 8. Provide a map indicating the portions of the site(s) dedicated to specific uses or specific businesses.
- 9. How was the garbage and/or hazardous wastes or pollutants or contaminants picked up from businesses or industrial customers stored (e.g., in drums, barrels, dumpsters) for pick up? For transport?
- 10. How was the garbage and/or hazardous wastes or pollutants or contaminants disposed of (e.g., drums buried or emptied and returned) at the site(s)?
- 11. Identify all persons whom the business consulted in the preparation of the response to the Questionnaire, including their current addresses and telephone numbers and relationship to the business.
- 12. Identify any other persons who may be able to provide a more detailed or complete response to the Questionnaire or who may be able to provide additional relevant documents.

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- 2. Review the list of definitions in Attachment 2.
- 3. Make a separate written response to each question. Do <u>NOT</u> leave any blank questions.
- 4. Number each of your answers according to the corresponding numbered question. For each document produced in response to the Requirement to Provide Information, identify the number of the question to which it responds on the document or in some other reasonable manner.
- 5. In answering each question, identify all sources of information consulted in preparing the response.
- 6. You are required to respond to each question on the basis of any and all information and documents in your possession, custody, or control or the possession, custody, or control of your current or former employees, agents, or contractors, or other person who conducted business on your behalf. Furnish information that is available to you regardless of whether it is based on personal knowledge, and regardless of source.
- 7. Information necessary to adequately respond to a question may not be known or available on the date your response is submitted. If this is the case, you have a continuing duty to provide the information when it becomes known or available, and to submit correct information that was submitted in the response and later learned to be wrong.
- 8. Respond in writing to each question even if information on which your answer is based has not been recorded in any particular document.
- 9. If any requested documents have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify (a) each document; (b) the person to whom it was transferred; and (c) the date of the transfer or disposal.
- 10. You have a duty to provide the requested information even if the information may be considered confidential or a trade secret. If you provide any information that relates to sales figures, processes or methods of production unique to your business, or information that would tend to affect adversely the competitive position of your business if generally known, you may certify this claim at the time you submit your response and the

information so certified will be held nonpublic as provided in Minnesota Statutes, Section 115B.17, subdivision 5 (1988). Any such certification must specifically identify the information that you believe qualifies for nonpublic treatment. If no such certification accompanies the information when it is received by the MPCA, it may be made available to the public by the MPCA without further notice to you.

Attachment 2

Definitions for Questionnaire

For the purpose of your answers to the Questionnaire, the following definitions shall apply:

- 1. CMC REAL ESTATE CORPORATION. "CMC Real Estate Corporation" includes any agent, subcontractor, or any other person who conducted or did business on behalf of "CMC Real Estate Corporation."
- 2. Pig's Eye Dump/Fish Hatcheries Dump. "Pig's Eye Dump/Fish Hatcheries Dump" means the property located 1/2 mile southeast of the intersection of Warner Road and Childs Road (an old report lists the address as 1150 Pig's Eye Lake Road) [Ramsey County, Section 10, T28N, R22W] and the property located at the intersection of Warner Road and Childs Road (an old report simply gives the address as Warner Road) [Ramsey County, Section 3, T28N, R22W], St. Paul, Minnesota.
- 3. YOU; BUSINESS. The terms "you" and "business," means the addressee of the Requirement to Provide Information.
- 4. DOCUMENT. "Document" means information preserved in any manner which is in the possession of or may be reasonably obtained by the addressee, including information in the possession of the addressee's directors, officers, shareholders, partners, managers, employees, subcontractors, trustees, successors, assigns, and agents, regardless of the location of the document or its classification as privileged or confidential. The term "document" includes but is not limited to the following: correspondence, contracts, agreements, memoranda, telegrams, reports, assignments, personnel records, record books, manifests, logs, scrap-books, diaries, minutes, plans, drawings, photographs, tapes, computer discs, invoices, checks, surveys and analyses.
- 5. IDENTIFY/Individual. The term "identify" means, with respect to an "individual," to set forth the person's full name, present or last known

address, name of the employer, and a description of the job responsibilities of the person.

- 6. IDENTIFY/Business. The term "identify" means, with respect to a governmental entity, corporation, sole proprietorship, partnership, or other association or business entity, to set forth its full name, address, legal form (for example, corporation, partnership, etc.), and a brief description of the product or service offered by the business.
- 7. IDENTIFY/Document. The term "identify" means, with respect to a document to provide its customary business description, its date, its number if any (for example, invoice or purchase order number) as well as its author, addresser, addressee and/or recipient, and the substance or the subject matter.
- 8. PERSON. "Person," as defined in Minnesota Statutes, Section 115B.02, subdivision 12 (1988) means any individual, partnership, association, public or private corporation or other entity, including the United States government, any interstate body, the state and any agency, department or political subdivision of the state.
- 9. FACILITY. "Facility," as defined in Minnesota Statutes, Section 115b.02, subdivision 5 (1988) means:
- (a) Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft;
- (b) Any watercraft of any description, or other artificial contrivance used or capable of being used as a means of transportation on water; or

(c) Any site or area where a hazardous substance, or a pollutant or contaminant, has been deposited, stored, disposed of, or placed, or otherwise come to be located.

"Facility" does not include any consumer product in consumer use.

- 10. HAZARDOUS SUBSTANCE. "Hazardous substance," as defined in Minnesota Statutes, Section 115B.02, subd. 8 (1988), means:
- (a) Any commercial chemical designated pursuant to the Federal Water Pollution Control Act, under United States Code, title 33, section 1321 (b) (2) (A);
- (b) Any hazardous air pollutant listed pursuant to the Clean Air Act, under United States Code, title 42, section 7412, and
 - (c) Any hazardous waste.

"Hazardous substance" does not include natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, or mixtures of such synthetic gas and natural gas, nor does it include petroleum, including crude oil or any fraction thereof which is not otherwise a hazardous waste.

- 11. HAZARDOUS WASTE. "hazardous waste," as defined in Minnesota Statues, Section 115B.02, subdivision 9 (1988) means:
- (a) Any hazardous waste as defined in section 116.06, subd. 13, and any substance identified as a hazardous waste pursuant to rules adopted by the agency under section 116.07; and
- (b) Any hazardous waste as defined in the Resource Conservation and Recovery Act, under United States Code, title 42, section 6903, which is listed or has the characteristics identified under United States Code, title 42,

section 6921, not including any hazardous waste, the regulation of which has been suspended by Act of Congress.

12. POLLUTANT OR CONTAMINANT. "Pollutant or contaminant," as defined in Minnesota Statutes, Section 115B.02, subdivision 13 (1988) means any element, substance, compound, mixture, or agent, other than a hazardous substance, which after release from a facility and upon exposure of, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in the organisms or their offspring.

"Pollutant or contaminant" does not include natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, or mixtures of such synthetic gas and natural gas.

13. SOLID WASTE. "Solid waste," as defined in Minnesota Rules, Part 7035.0300, subpart 100 (1988) means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semi-solid, liquid, or contained gaseous form, resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste, water effluents or discharges which are point sources subject to permits under

section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by The Atomic Energy Act of 1954, as amended.

14. RELEASE. "Release," as defined in Minnesota Statutes, Section 115B.02, subdivision 15 (1988) means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment which occurred at a point in time or which continues to occur.

"Release" does not include:

- (a) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, watercraft, or pipeline pumping station engine;
- (b) Release of source, by-product, or special nuclear material from a nuclear incident, as those terms are defined in The Atomic Energy Act of 1954, under United States Code, title 42, section 2014, if the release is subject to requirements with respect to financial protection established by the federal nuclear regulatory commission under United States Code, title 42, section 2210.
- (c) Release of source, by-product or special nuclear material from any processing site designated pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, under United States Code, title 42, section 7912(a) or 7942(a); or
- (d) Any release resulting from the application of fertilizer or agricultural or silvicultural chemicals, or disposal of emptied pesticide containers or residues from a pesticide as defined in section 18A.21, subd. 25.

LAW OFFICES

JENNER & BLOCK

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ONE IBM PLAZA CHICAGO, ILLINOIS 60611

> (312) 222-9350 (312) 527-0484 FAX

GRACE KOH ANGELOS

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November 6, 1990

Ms. Cathy O'Connell
Project Manager
Site Response Section
Groundwater and Solid Waste Division
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155

NOV 0 9 90

MPCA, Ground Water & Solid Waste Div.

Re: Requirement to Provide Information
Pig's Eye Dump/Fish Hatcheries Dump

Dear Ms. O'Connell:

Pursuant to our conversation of Tuesday, November 6, 1990, this letter is to confirm our understanding that CMC Real Estate Corporation will be permitted to respond to the Minnesota Pollution Control Agency's Requirement to Provide Information on or before November 15, 1990.

Thank you for your cooperation in this matter.

Very truly yours,

Grace Koh Angelos

GKA011003.LET

cc: Charles Harrison Raymond T. Reott Rebecca L. Raftery

CMC REAL ESTATE CORPORATION

547 West Jackson Boulevard • Suite 1510 • Chicago, Illinois 60606 Direct Mail To: P.O. Box 6205 • Chicago, Illinois 60680-6205 312•294-0440

November 15, 1990

Ms. Cathy O'Connell
Project Manager
Site Response Section
Groundwater and Solid Waste
Division
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155

Re: Requirement to Provide Information
Pig's Eye Dump/Fish Hatcheries Dump

Dear Ms. O'Connell:

We are in receipt of your letter dated August 16, 1990, pursuant to which CMC Real Estate Corporation ("CMC Real Estate") was asked to respond to the Minnesota Pollution Control Agency's ("MPCA") Requirement to Provide Information ("RPI"). This is to advise you that CMC Real Estate was dissolved on December 11, 1989 and thus, is no longer in existance.

Through a series of corporate transactions, substantially all of CMC Real Estate's real estate assets and liabilities pertaining to those assets were transferred to CMC Heartland Partners ("Heartland"). Among the assets conveyed to Heartland was the ownership interest in a 177-acre parcel which, along with adjoining property owned by the City of St. Paul, comprises Pig's Eye Dump. Any and all business records and information which CMC Real Estate may have had at one time pertaining to this parcel were transferred to Heartland at the time of the asset conveyance. It is our understanding that Heartland is providing a full and complete response to the RPI in the place of CMC Real Estate.

Ms. Cathy O'Connell November 15, 1990 Page 2

If we can be of further assistance to the MPCA regarding this matter, please do not hesitate to contact us.

Very truly yours,

Lawrence S. Adelson Vice President and General Counsel

CMC Real Estate Corporation, a dissolved corporation

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LAW OFFICES

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MIAMI OFFICE
ONE BISCAYNE TOWER
MIAMI, FL 33131
(305) 530-3535
(305) 530-0008 FAX

GRACE KOH ANGELOS

January 3, 1991

BY FEDERAL EXPRESS

Ms. Cathy O'Connell
Project Manager
Site Response Section
Ground Water and Solid Waste Division
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, Minnesota 55155

RECEIVED

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MPCA, Ground Water & Solid Waste Div.

Re: Requirement to Provide Information
Pig's Eye Dump/Fish Hatcheries Dump

Dear Ms. O'Connell:

Jenner & Block represents CMC Heartland Partners ("Heartland"). Heartland received your letter dated November 30, 1990, in which you indicated that the Minnesota Pollution Control Agency ("MPCA") had not received a response to its Requirement to Provide Information ("RPI") dated August 10, 1990 from the Chicago, Milwaukee, St. Paul & Pacific Railroad Company ("Milwaukee Road"). Although Heartland received your letter of November 30, 1990 and the RPI addressed to CMC Real Estate Corporation ("CMC Real Estate"), Heartland had not received the RPI addressed to the Milwaukee Road. Consequently, Heartland was unaware that an additional response was required of the Milwaukee Road.

Subsequent to Heartland's receipt of your letter dated November 30, 1990, we contacted you to obtain a copy of the RPI. We received a copy of the RPI on December 13, 1990. As explained more fully below, the Milwaukee Road is no longer in existence. This letter will provide you with additional information regarding the Milwaukee Road and the property inquired about in your RPI.

On December 19, 1977, the Milwaukee Road filed its petition for reorganization under Section 77 of the United States Bankruptcy Act of 1898, as amended. As a result of

Ms. Cathy O'Connell January 3, 1991 Page 2

the petition for reorganization, the assets of the Milwaukee Road were conveyed to a bankruptcy trustee. In February of 1985, pursuant to Order No. 809 of the United States District Court for the Northern District of Illinois, Eastern Division (the "Reorganization Court"), the assets of the Milwaukee Road were partitioned into a rail division and a real estate The rail division, which included all of the Milwaukee Road's core rail assets and related liabilities, was sold to a subsidiary of the Soo Line Railroad Company ("Soo Line"). The Milwaukee Road's corporate names and logos and all business records pertaining to railroad operations were also transferred to the Soo Line. Thus, neither the debtor nor its successors have liabilities or obligations relating to the rail activities at the Pig's Eye Dump. e.g., Matter of Chicago, Milwaukee, St. Paul & Pacific Railroad Co., 784 F.2d 831 (7th Cir. 1986); Matter of Chicago, Milwaukee, St. Paul & Pacific, 789 F.2d 1281 (7th Cir. 1986). Such liabilities and obligations may be the responsibility of the Soo Line.

On July 12, 1985, five months after the rail assets were sold to the Soo Line, the Reorganization Court entered an order ("Order No. 832") approving and confirming a plan of Reorganization ("Plan") for the debtor. The Reorganization Court established a bar date of January 9, 1980 for prepetition claims and a bar date of September 10, 1985 for post-petition claims. On or before August 31, 1979, notice of the filing of the creditors list was given to the State of Minnesota. Thereafter, on July 22, 1985, a Notice of Bar Dates for Claims was served on the State of Minnesota. Minnesota brought no claims relating to Pig's Eye Dump before either of the bar dates.

Pursuant to the Final Decree of the Reorganization Court dated November 12, 1985 ("Order No. 866"), the bankruptcy trustee was discharged and the remaining assets held by the bankruptcy trustee were conveyed to CMC Real Estate, the reorganized company. CMC Real Estate was vested with all of the bankruptcy trustee's right, title and interest in the remaining property of the debtor's estate "free and clear of all claims, rights, demands, interests, liens and encumbrances of every kind and character." (See Order No. 866, p. 7.) Among the property vested in CMC Real Estate was the 177-acre parcel (the "Parcel") which, along with the adjoining property owned by the City of St. Paul, comprises Pig's Eye Dump.

CMC Real Estate was dissolved on December 11, 1989, and, through a series of corporate transactions unrelated to the matter raised by the RPI, substantially all of CMC Real

Ms. Cathy O'Connell January 3, 1991 Page 3

Estate's real estate assets and liabilities pertaining to those assets were transferred to Heartland. Among the assets conveyed to Heartland was the ownership interest in the Parcel. Any and all business records and information which the Milwaukee Road may have had at one time pertaining to the Parcel which were not conveyed to the Soo Line are now in the possession of Heartland. On November 15, 1990, Heartland responded to the RPI addressed to CMC Real Estate. Heartland's response contains answers to the questions asked by the MPCA in the RPI addressed to the Milwaukee Road.

For your convenience we have enclosed copies of Order Nos. 809, 832, 866, the Seventh Circuit decisions referred to above, and the Plan. If we can be of further assistance to the MPCA regarding this matter, please do not hesitate to contact us.

Very truly yours,

Grace Koh Angelos

RAILROAD.RES Enclosures

cc: Lawrence S. Adelson (w/o encls.)
Charles Harrison (w/o encls.)
Jerold S. Solovy (w/o encls.)
Daniel R. Murray (w/o encls.)
Raymond T. Reott (w/o encls.)
Randall E. Mehrberg (w/o encls.)
Rebecca L. Raftery (w/o encls.)

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FILE/CHARTER NO.

1st QUAL. IN MN 04/06/1927 DURATION PERPETUAL

DATE INC. 03/31/1927

CMC Real Estate Corporation

AGENT NAME

C T Corporation System, Inc.

ADDRESS

405 2nd Ave S

Mpls

55401

HOME ADDRESS

222 W Washington Ave

CITY Madison ST ZIP WI 57303-

HOME NAME

LAWS OF WI COMMENT

ANNUAL REPORT NUMBERS 87005913 88003123 89008758

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